

REMARKS

In response to the Restriction Requirement mailed on July 15, 2005, applicants hereby elect the invention of Group I (claims 1, 2, 9, 10, 12, 14 and 15; drawn to polypeptides, fusion proteins and compositions comprising the same) and the sequence of SEQ ID NO: 116. Applicant specifically reserves the right to rejoin method claims 17-23.

As stated on page 34, lines 24-26 of the specification, SEQ ID NO: 116 is the amino acid sequence of the ME/D fusion polypeptide, and is encoded by the DNA sequence of SEQ ID NO: 115. Claims to the ME/D fusion protein including signal peptide and linker (SEQ ID NO: 81) have previously issued in related US patent application no. 6,436,898.

Claims 1, 2, 9, 10 and 12 have been cancelled from the application, and claims 24-28 have been added. Claim 24 is drawn to subject matter previously recited in claims 9 and 10. Claim 25 is drawn to fusion proteins comprising a sequence having at least 95% identity to SEQ ID NO: 116, wherein the fusion protein possesses at least one of the following properties: (a) an ability to stimulate proliferation of T cells from individuals exposed to *Mycobacterium tuberculosis*; and (b) an ability to stimulate interferon-gamma secretion from T cells from individuals exposed to *Mycobacterium tuberculosis*. It is submitted that support for this claim may be found, for example, on page 11, line 8 - page 14, line 25, on page 16, lines 25-29 and in Example 3 (pages 27, line 25-page 33, line 22) of the specification as originally filed. Claims 26 and 27 are drawn to compositions comprising the fusion protein of claim 25, and claim 28 is drawn to a fusion protein encoded by the polynucleotide sequence of SEQ ID NO: 115.

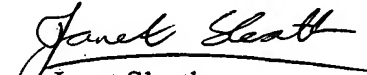
Claim 14 has been amended to replace reference to cancelled claim 9 with reference to new claim 24, and claims 17 and 22 have been amended to replace reference to claims 11-16 with reference to claims 14, 15, 26 and 27. Claim 23 has been amended to independent format.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter.

It is further submitted that the amendments are not being made for reasons of patentability and therefore do not give rise to prosecution history estoppel.

Favorable consideration of the amended claims is respectfully requested.

Respectfully submitted,


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Date: August 15, 2005
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